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SENATOR CHAMBERS: And if...that which is born is a born child, isn't that true?

SENATOR FOLEY: That which is born is a born child (inaudible).

SENATOR CHAMBERS: Okay. So you would not charge the person with having killed a born child. If the child comes into the world and the death occurs, let's say three months afterward, even though that child is in the world, fully formed,...

SENATOR FOLEY: Well,...

SENATOR CHAMBERS: ...and born, it falls under the definition of an unborn child.

SENATOR FOLEY: Well, I think a good example of what you're describing, Senator Chambers, was the case that occurred in Omaha about five years ago.

SENATOR CHAMBERS: But I don't want you to take all my time, unless you don't mind us going on.

SENATOR FOLEY: We can go on.

SENATOR CHAMBERS: Okay.

SENATOR FOLEY: Yeah. In that case, you'll probably recall, the baby...baby Zachary was born and lived eight hours and then died. The...the criminal act committed against Zachary occurred when Zachary was in utero. It was a drunk driving case. And had this law been on the books at the time, prosecution would have been possible.

SENATOR CHAMBERS: Okay. When we go, then, to line 13 on page 2 and have the words "at any stage of development in utero" we could have...I use the term "critter" not to be disrespectful but you all want to say unborn child, I say zygote or fetus, so for my purposes that's the term I will use. This critter could be invisible to the naked eye, but nevertheless be subject of a homicide. Isn't that true?